Supreme Court
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No. _____

In The

Supreme Court of the United States

MARY ANN BIDDLE LOVELL,

Petitioner,

versus

CLYDE C. HIGHTOWER, etc., et al.,

Respondent.

On Petition For A Writ Of Certiorari To Review Decision Of The Fifth Circuit Court Of Appeals

PETITION FOR A WRIT OF CERTIORARI

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November 30, 1999

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29pp

QUESTIONS PRESENTED FOR REVIEW

The chief input into the production of property tax assessments is labor. Labor prices show considerable variation across the sample due both to the different mixes of employees hired by the different offices and to geographic wage differentials. For property tax assessment, assessment office personnel, capital, and a parcel of property are combined to produce an appraisal of that parcel of property. Therefore, what standard of assessment did Clyde C. Hightower, Tax Assessor, Claiborne Parish, use in the assessment process of Meaker Glover White Estate real property to petitioner Mary Ann Biddle Lovell – Rule 10(a).

Could the Justices of the Second Judicial District, Claiborne Parish, Louisiana, Et Al., through "Plain Error" obstruct justice creating other named Defendants – Appellees: Clyde C. Hightower, Claiborne Parish Assessor; Ralph Williams, President, People's Bank and Trust, Minden, Peoples Bank and Trust Company (Changed to Hibernia National Bank (January 1999)); David Newell; Newell and Newell; to err in law apportioning fruits on facial valid but illegal documents procreated by Attorney David Newell, and followers Nos. 7734; 7765, Probate Dockets, Second District Court, Claiborne Parish, Louisiana – Rule 10(a).

The question is can justice be served to Mary Ann Lovell in Second Judicial District, Claiborne, Homer, Louisiana – Rule 10(a).

QUESTION PRESENTED FOR REVIEW – Continued

The official Complaint was filed in the United States District Court, Middle District of Louisiana, Civil Action No. 98-211-B-M2 sua sponte on the issue of venue, signed in Baton Rouge, Louisiana, 27 day of March, 1998, Magistrate Judge Christine Noland with the issue being whether Petitioner's possessor rights to Meaker Glover White Estate bear sober-sided effect from the Respondent adjudication in the Second Judicial District, Claiborne Parish, Louisiana – Rule 10(a).

LIST OF ALL PARTIES

MARY ANN BIDDLE LOVELL, successor, heir, executor, administrator, attorney, legal representative & authorized taxpayer, on behalf of Meaker Glover White Estate.

Plaintiff – Petitioner

CLYDE C. HIGHTOWER, Claiborne Parish Assessor; RALPH WILLIAMS, President, Peoples Bank & Trust, Minden; PEOPLES BANK & TRUST COMPANY; DAVID NEWELL; NEWELL & NEWELL;

JUSTICES OF SECOND JUDICIAL DISTRICT COURT: Hon. Jenifer Ward Clason; Hon. Leon H. Whitten; & Hon. Robert Butler

Defendants – Respondents

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***Other Trial Transcripts are included within the "Legal Memorandum & Relevant Documentary Evidence, 'Justice Effect' " "Record on Appeal" Civil Docket For Case #: 98-CV-633

DECISIONS BY LOWER COURTS

The Per Curiam Opinion From the Fifth Circuit Court of Appeals was filed August 27, 1999, and is reported at Appendix A1. The certified copy of the judgment issued as mandate from the Fifth Circuit court of appeals was issued September 20, 1999, as is reprinted at B1.

STATEMENT OF JURISDICTION

Our Constitution is the law according to Rules of the Supreme Court of the United States, Adopted December 5, 1989, Effective January 1, 1990, Rule 17, 28 U.S.C. § 1291; Rule 20.4(a), 28 U.S.C. §§ 2241 and 2242, and in particular with the provision in the last paragraph of § 2242 requiring a state of the "reasons for not making application to the district court of the district in which the applicant is held."

The Louisiana Code of Civil Procedure Art. 1 defines jurisdiction as the legal power and authority of a court to hear and determine an action or proceeding involving the legal relations of the parties, and to grant the relief to which they are entitled. The United States courts have federal question jurisdiction 28 U.S.C. § 1602.

The United States Court of Appeals for the Fifth Circuit, rather than the Louisiana Supreme Court has the legal power and authority over this controversy, 28 U.S.C. § 1291, see *Wedding v. Meyler*, 192 U.S. 575, 24 S. Ct. 122, 48 L. Ed. 570, 66 L.R.A. 833 (1904); *Central R. Co. v. Jersey City*, 209 U.S. 473, 28 S. Ct. 592, 52 L. Ed. 896 (1909);

Nielson v. State of Oregon, 212 U.S. 315, 29 S. Ct. 833, 53 L. Ed. 528 (1910).

The United States Supreme Court has jurisdiction to review the judgment of the Fifth Circuit Court of Appeals rendered August 27, 1999; and September 20, 1999, by issuance of a writ of certiorari under 28 U.S.C. § 1254(1).

STATUTES INVOLVED

(See Table of Authorities: Statutes, Rules, Code, Constitution, and Other).

STATEMENT OF THE CASE

The Standard of Review is implemented in Fed. R. App. P. 289(a)(6). The appeal is from an exercise of the United States District Court, Western District of Louisiana, Shreveport Division.

The Court abused its discretionary power, and erred in its filed order: Robert H. Shemwell, Clerk, USDC, Western District LA, By: M. Cassanova, Dated: 11-06-98, United States District Court, Western District of Louisiana, Shreveport Division, in the captioned case of Lovell v. 2nd Jud Dist Court, et al, Civil Action No. 98-0633 to wit:

"IT IS ORDERED that the complaint in this case is DISMISSED WITH PREJUDICE for failure to state a claim upon which relief may be granted."

Petitioner has a right of action a legal interest to assert in good faith devolving the estate fruits on her own behalf, Mary Ann (Biddle) Lovell, Ex Rel., A Forum State, In Re Meaker Glover White Estate, Jack Glover Estate, and Declaratory Acknowledged Hereditaments assert probable specific and dependent grounds: "Recusation of Judges," and the issue of the Appearance of Impropriety" in accordance to law Louisiana Civil Procedure CCP Art. 151.

Therefore, Plaintiff seeks a declaratory and injunctive relief from the Defendants-Appellees as alleged on the original filed "Complaint."

Further, Plaintiff – Appellant implore that the foregoing accusations named "record on appeal" appear as PLAIN ERROR in the district court Probate Dockets 7734; 7765 as pointed out in substantial evidential litigation specifically in the Second Judicial District Court, Claiborne Parish, Homer, Louisiana Succession of Meaker White, Filed Mar. 08, 1998 "Judgment"

The district court erred and abused its discretionary power in all "Judgments" against Mary Ann (Biddle) Lovell. La. Code Civ. Proc. Ann. Art. 1005. The records on appeal reveal the unsuccessful Appellant's affirmative Defense applied many times therein *Satterly v. Morgan*, 35 La. Ann. 1166 (1883); *Radford v. Gibert*, 12 So. 2d 612 (La. App. 1943).

In accordance with La. Code Civ. Proc. Ann. Art. 2130 and 2131

A party may require the clerk to cause the testimony to be taken down in writing and this transcript shall serve as the statement of facts of the case.

This effect commenced in The Second Judicial District Court In And For The Parish Of Claiborne, State of Louisiana, Succession of Meaker White, Probate Docket Number 7734, Filed 03 March 1998 Brian M. Flynn, Clerk, Judgment Read, Rendered And Signed in Chambers in Homer, Claiborne Parish, Louisiana, on this 2nd day of March, 1998, Jenifer Ward Clason, Judge, Second Judicial District Court. The court erred and abused discretion power in considering the court's assigned written "Reasons for Judgment on The Motion Of Mary Ann Lovell To Withdraw Succession Funds filed in the record Succession of Meaker White 7734.

Petitioner did not need authority to use estate money, but to correct "PLAIN ERRORS" contained and processed in Probate Dockets 7734; 7765. Counsel stated that as successor, heir, executor, administrator, attorney, legal representative, and authorized taxpayer of the estate with fiduciary relationship with the descedent in accordance with the Last Will and Testament of Mrs. Meaker Glover White of being denied of her responsibility to administer estate business pursuant to law. Afterwards, she alleged that the Defendants-Appellees Second Judicial District, Claiborne Parish, Louisiana committed "White Collar Crimes, Fraud and Deceit" in accordance with *Louisiana Statutory Criminal Law and Procedure* (1994) R. S. 14:10; R. S. 14:11; R. S. 14:16; R. S. 14:17; *Louisiana Civil Code (1993)* CCP Art. 1955; 1956 Larceny; Forgery; Bribery; and Extortion; *Louisiana Statutory Criminal Law and Procedure* (1994), Larceny R. S. 14:67.8; Forgery R. S. 14.133(A) §§ 1, 2, & 3;

Bribery R. S. 14:73; Extortion R. S. 14:66 §§ 3, 4, & 5, "Unlawful Cause" "Attached" Justices Second Judicial District violations of *Louisiana Civil Code* (1993 Edition) CCP Art. 1967; 1968; 1970. Strides for justice was a vain "effect."

ARGUMENT

The pertinent facts in this case are admitted on Civil Docket For Case #: 98-CV-633. The evidence adduced on the record speaks for itself. This action is sought to enforce privilege on behalf of the Plaintiff-Appellant brought in Claiborne Parish with the jurisprudence substantiating property, movable and immovable, La. Code Civ. Proc. Ann. Art. 72-83, 163 165(8) of the 1870 Code, to wit:

U. S. District Court, U. S. District Court for Western Louisiana (Shreveport) "Civil Docket For Case # 98-CV-633, Filed 04/01/98 appearing in Record Excerpts establishes conclusively that the Court did err in "Reasons for Judgment on the Motion of Mary Ann Lovell to Withdraw Succession Funds," The Second Judicial District Court In And For The Parish of Claiborne, State of Louisiana, Succession of Meaker White Probate Docket No. 7734, Filed 26 February 1998, Thus Read and Signed in Chambers in Homer, Claiborne Parish, Louisiana, on this 26th day of February, 1998, Jenifer Ward Clason, Judge, Second Judicial District Court; "Judgment," The Second Judicial District Court In And For The Parish Of Claiborne, State Of Louisiana "Succession of Meaker

White, Probate Docket Number 7734, Filed 03 March 1998, "Judgment Read, Rendered and Signed in Chambers in Homer, Claiborne Parish, Louisiana, on this 2nd day of March, 1998, Jenifer Ward Clason, Judge, Second Judicial District Court.

"Judgment" United States District Court, Western District of Louisiana, Shreveport Division, Civil Action No. 98-0633, Judgment Entered 11/06/98 by the Honorable Donald E. Walter, United States District Judge. The jurisprudence applicable to this phase of the case being to this effect, to wit:

"Felony Fraud Tax Problems in Claiborne Parish;" Volentine, Kenneth, Sheriff and Ex-officio Auctioneer – "Public Notices: Sheriff's Sale, No. 32594, In The Second Judicial District Court of Louisiana." *The Guardian Journal (Homer, LA.)*. 1 October, and 29 1998: Currently 12-10-98, and to reappear January 7, 1999. . . . [Letter from Mary Lovell on 12 December 1998 to J. Brooks, Greer, 111, Attorney, 331 Milam Street, 3rd Floor, P. O. Box 1784, Shreveport, LA 71166, and Kenneth Volentine Sheriff and Ex-Officio Auctioneer, Office of the Sheriff, Claiborne Parish Sheriff's Dept., Homer, Louisiana 71040.] [Letter 12 December 1998 from Mary Lovell to Mr. Wayne Timmons, 212 Texas Street, Shreveport, LA 71101; and Mr. John Slattery, P. O. Box 887, Springhill, LA 71075.]. [These letters appear as exhibits in "property chips" Record Extracts, including additional filings of memorandums and letter by the appellant and the appellee Clyde Hightower, Claiborne Parish Assessor.

That Attorney Wayne Timmons remitted taxes Meaker Glover White Estate, Claiborne Parish, from

notices given to me at the Claiborne Parish Sheriff's Department [Summer, 1998]. The Sheriff's Department may, or may not, have relinquished to me all of the taxes paid by Attorney Wayne Timmons as unlawful Administratrix appointed by the Honorable Clason Probate Docket 7734 making it essential to examine the issue: "Felony Fraud Tax Problems in Claiborne Parish:" City Taxes, or State / Federal Taxes In Re Mrs. Meaker Glover White's Estate, that includes her spouse, Edmond White, Jr. (Ed, Edd, Edmund White Estate) . . . for any years in question: 1989, 1992, 1993, 1994, 1995, 1996, 1997, & 1998.

As the "sole heir" Meaker Glover White Estate, I can not erase, or ignore the "PLAIN ERROR" Justices in Claiborne Parish of Probate Dockets 7734-7765, et al. No. 98-CV-633, Lovell v. Justices of the Second Judicial District, currently on appeal to the United States Court of Appeals, Fifth Circuit; the recall of the cases appearing in the UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF LOUISIANA, CIVIL ACTION No. 96-584, c/w No. 96-1187, No. 96-1180, No. 96-1181, No. 96-1184, and No. 96-1317 and the Memorandum and order signed by the Honorable Morey L. Sear, Chief Judge (11 Pages) (13 June 1996), whereas Mary Lovell spelled out your illegal involvement in the unauthorized process of the Meaker Glover White Estate, but nevertheless, your known unlawful acts "facial" valid, but illegal transmittals can be rectified in the effect of Mary Lovell's stride in continuing estate business, and further litigation on "property," "assets and distributions" in captioned cases filed by Mary Ann Biddle Lovell.

These legal mistakes and inaccuracies had its roots in the facial valid but illegal proceedings of PD 7734; 7765.

Mary Ann Lovell vs Justices of the Second Judicial District USDC # 98-0633 USCOA # 98-31375

LEGAL MEMORANDUM AND RELEVANT DOCUMENTARY EVIDENCE "JUSTICE'S EFFECT"

[NOTE: " 'JUSTICE'S EFFECT' ARE THINGS THAT THE SECOND JUDICIAL JUSTICES DID IN CLAIBORNE PARISH, LOUISIANA THAT THEY WERE NOT SUPPOSE TO HAVE DONE."].

[NOTE. THIS DOCUMENT WILL BE SERVED ONLY TO PARTIES WITHOUT THE EXHIBITS. ANY AND ALL RELEVANT DOCUMENTARY EVIDENCE WILL BE SERVED TO THE COURT ONLY.].

Louisiana Code Research Guide, Code of Civil Procedure, Book 111, Title 1, Ch. 2 (1988). La. Code Civ. Proc. Ann. Arts. 2121-2129, 2131-2133.

Mrs. Meaker Glover White expired February 29, 1992. Mrs. Meaker Glover White's "Last Will and Testament of Meaker White," Haynesville, Louisiana, September 2, 1981 duly relinquished by virtue of full power to act on behalf of the decedent.

Proceedings reflect that her treasures were removed from Planters Bank Safe Deposit Vault not in accordance with the law. Bank name changed to People Bank and Trust Company, January 1999, the name is currently, Hibernia National Bank.

The will was permitted to probate by Mary Ann Biddle Lovell the Claiborne Parish, Second Judicial District, Homer, Louisiana in accordance with the law where the decedent domiciled on April 6, 1992.

Plaintiff, survivor retained Attorney David Newell as attorney to probate the last will and testament of the decedent pursuant to law. The will was probated. Mr. Newell filed a "Negative Opinion" and "Motion to Withdraw" under "False Pretense Proceedings."

Additionally, Plaintiff retained Attorney David Newell as attorney in Suit No. 31535 "Interdiction of Edmond White, Jr," spouse of Mrs. Meaker Glover White. Mary Lovell paid for services rendered.

I did not retain Attorney David Newell to "execute" the "Last Will and Testament of Mrs. Meaker Glover White;" nor permit to court Probate Docket 7765 "Interdiction of Edmond White, Jr. Citation on Rule;" Civil Docket No. 32000 "Petition Amended and Supplemental Petition." These are things that were done factually valid, but illegal as evident in Newell's "Motion to Withdraw" as "Attorney of Succession of Probate Docket 7734."

The court erred and abused its discretionary power in "Reasons for Judgment on the Motion of Mary Ann Lovell to Withdraw Succession Funds. The court failed to correct the mistake of facts, and ignorance of law, Second Judicial District, Claiborne Parish, Louisiana.

There was never any need to appoint any "Curators" for Mr. Edmond White, Jr., nor for any other "creations" through his unauthorized "Motion to Withdraw." Mr.

White ninety two years of age and physically handicapped from a car accident in 1979 was cared for entirely by his spouse, Mrs. Meaker Glover White. Mr. Edmond White, Jr. was left in the care of Mary Lovell and so was the estate.

I delivered "executed" personal presents namely: Jack Glover's Will (attachments), Theodore and LaBlun Glover's will (two separate treasures), and Edmond White Jr.'s will, to his law office for the purpose of eliminating respite. Mr. Newell "effected unauthorized execution," and kept "results" even through Plaintiff's many unsuccessful efforts of procurement. The "Justices" upheld the misinformation "stipulations" as proscribed in Newell's "Motion to Withdraw" August-September, 1992. I fired Mr. Newell leaving all of his pleadings unsigned and unexecuted. I did pay him for time only.

Mr. Newell maintained his misinformation through a series of "Rule to Show Cause," and searched for other intentional means of secretly executing the estate as if the decedent died intestate and that strategy led to erosion of "assets and distributions" through acts of crime as stated in the original complaint.

The Justices of the Second Judicial District allowed these erroneous events: "stipulations" and "appointed curators" to continue without taking heed to any warnings by Plaintiff. Plaintiff's efforts and warnings were considered "irrelevant," and "without merit."

Plaintiff had no other recourse than to file lawsuits to protect her and the estate. Thus, these proceedings produced a bundle of state and federal cases. Only a few of

Plaintiff's litigation appears in Probate Dockets 7734 and 7765.

The filings by Plaintiff were considered by Justices of the Second Judicial District and other named parties to be "void" and "frivolous." Therefore, through problems of miscommunication and failure of "problem solving techniques" White Collar Crimes surfaced in the Second Judicial District and expanded. The Justices honored David Newell's "acts" that he created in his "Motion to Withdraw" as attorney for Mary Ann Lovell. Mr. Newell remained as "successor on record" of Meaker Glover White Estate Probate Dockets: 7734; 7765. The problems turned to a can of worms that traveled through many state courts, appeals to higher courts, and lasting conflicts abroad.

The complete file was kept by Attorney David Newell and many of the unsigned pleadings prepared by Attorney David Newell became evident through fraudulent execution of other named attorneys (parties) on record of these two probate dockets: 7734 and 7765. The "property" within both dockets are real and personal property "Evidence" of "Meaker Glover White Estate." For example, July 1994, "A Formal Pleading (Process Verbal);" and 10 August 1994 "Defending Edmond White, Jr. Spouse Meaker Glover White: Substantial Circumstances Executed Without Due Process of Law" prepared early in the line of litigation.

Transcripts of proceedings is a "narrative of facts" appearing within "Justice's Effect" on the Civil Docket for Case #: 98-cv-633. "Reasons for Judgment On The Motion Of Mary Ann Lovell To Withdraw Succession

Funds" "Succession of Meaker White" Probate Docket No. 7734 is false and contains insufficient incompetent evidence filed by Brian M. Flynn 26 February 1998, No: 7734. To insert my name on facial valid, but invalid pleadings is "shenanigans" as stated in "Plaintiff's Opposition (P. 5) ["The word 'shenanigans' is used in a different context by plaintiff; 'shenanigans' is drafted from page 5 of USDC. Western District LA, By: M. Cassanova, Dated 8-12-98."].

The filed document "Justice Effect" is detailed listing many of the incidents and testimony of witnesses during these proceedings for the years 1992, 1993, and afterward Attorney Wayne Timmons, and other attorney involvement as appointed by the Hon. Judge Clason, Second Judicial District where it is noted that she in "Plain Error" abused her discretionary power in with false knowledge to gain in handling estate matters. This authority was left only to Mary Ann Biddle Lovell. Transcript of proceedings in connection with Succession of Meaker White were prepared on the subject matter:

October 13, 1992; June 17, 1993; November, 7, 1993; June 28, 1993; June 8, 1993

In the estate the issue of fact has never been in controversy. Therefore in this caption the subject matter is before the Supreme Court of the United States to correct law to the facts that can be discerned from the records on appeal, *D'Arbonne Bank*, 597 So. 2d 165, or to the facts "found" misconstrued by the court within the trial proceedings whereas the evidence is inconclusive. *Simmons v. Yelverton*, 513 So. 2d 504 (La. App. 2d Cir. 1987).

Argument, Including Standards of Review

Proceedings had in Claiborne Parish, Louisiana, on a Motion to withdraw and filing of curator's report in the Succession of Meaker White Number 7734; 7765 above entitled and numbered causes before the Honorable Jenifer Clason, one of the Judges of the Second Judicial District Court, at Homer, Louisiana, on the 13th day of October, 1992.

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Celeste P. Ware

Court Reporter

Claiborne Parish Courthouse

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(The Court convened on October 13, 1992, and with counsel present, the following proceedings were had in the above styled and numbered causes.)

Appellant's Notes "Legal Memorandum" and Relevant Documentary Evidence "Justice's Effect" Document in "record on appeal . . . "

[Note. Following is the Attorney David Newell's Motion to Withdraw that he signed himself and as if he were in authority of Meaker Glover White Estate. At this point Mr. Newell was fired, but later paid for his time only except as at the beginning of this document that I mentioned I retained him to permit the Last Will and Testament of Meaker White to Court, and The Interdiction of Edmond White, Jr. a civil suit mentioned at the beginning of this document. Any other acts that he may have done were in violation to me and to the estate upheld by all of the Justices. This is a violation of my rights and examples of the charges mentioned in the original filed Complaint and other documentations therein.].

[Note. Any and all of these appointments were in violation to Mary Lovell, but the Courts allowed these events to occur regardless of whatever I may have said. It was considered nothing. These are prefect examples of violations. . . .]

CONCLUSION

Mary Ann Lovell seeks declaratory and injunctive relief from the Defendants – Respondents as proclaimed in the original filed "Complaint." The facts of the case

may be simply stated that the Petitioner Mary Ann Lovell had a right to estate property abused erred by the Respondents. Counsel's authority and qualifications remain suo nomine in accordance with the law La. Code Civ. Proc. Ann. Art. 700. *Jefferson v. Jefferson,* 163 So. 2d 74 (La. 1964).

Tainted fruits emanated within "Property Chips" support the substantiated conclusive evidence before the Appellees which was and has been null and void from its inception of "false documents" in Second Judicial District, Claiborne Parish, Louisiana.

The court erred and abused its discretionary power in the "Judgment (Mar 3 1998 by Brian M. Flynn)" Second Judicial District Court, Claiborne Parish regardless of essential evidence adduced by Appellant. The record on appeal unequivocally establishes that Mary Ann Biddle Lovell, Petitioner, is entitled to estate property real or personal, et al.

It is inescapable, the sequence of the salient, undisputed facts of record in this case, regarding the injustices of the court et al that delineated the basis and grounds of "White Collar Crime by the Defendants – Appellees. It is within said frame that Counsel prays that the Appellees be made liable for the ongoing charges named in the "Complaint" to wit:

Clyde C. Hightower, Claiborne Parish Assessor tainted many estate records after the expiration of the decedent, Mrs. Meaker Glover White, February, 1992. He never remitted to Mary Ann Biddle Lovell all of the tax due notices in the estate leaving inaccuracies in distributing "tax notices" from the City of Haynesville, and the

Sheriff's Department, and those claimed within Newell's "complete file unreleased to Mary Ann Biddle Lovell. He like all other Respondents covered up, and played out the "facial valid" false petition filed by Attorney David Newell, and his successors of Probate Docket No. 7734; 7765: Exhibits in " 'Brief For Appellant, Record Excerpts,' 'Tab – Property Chips . . . ' "

Attorney David Newell holds tight estate records that are not his. He was paid for civil suit 31,535, but for time in 7734; 7765 PD.

PRAYER

Counsel further prays that the Defendants-Appellees be required by law to render to the complainant for their (legal) wrong damages: actual, compensatory, consequential (special) (treble); exemplary (punitive); and expectation damages In Re Meaker Glover White Estate.

Petitioner further prays for such orders of this Court which it may deem suitable, fit and proper to provide relief to Plaintiff. That due proceedings be had, and that the Appellees (Defendants) be found indebted unto Mary Ann Lovell per one million dollar per party, and for legal and equitable relief.

Lastly, Petitioner, Mary Ann Biddle Lovell, prays for an unspecified damages for pain and suffering.

Better is a little with righteousness, than great revenues without right (KJV Proverbs 16:8).

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APPENDIX A

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-31375
Conference Calendar

(Filed Aug. 27, 1999)

MARY ANN BIDDLE LOVELL, successor, heir, executor, administrator, attorney, legal representative & authorized taxpayer, on behalf of Meaker Glover White Estate, Mrs.,

Plaintiff-appellant,

versus

CLYDE C. HIGHTOWER, Claiborne Parish Assessor, RALPH WILLIAMS, President, Peoples Bank & Trust, Minden; PEOPLES BANK & TRUST COMPANY; DAVID NEWELL; NEWELL & NEWELL; JUSTICES OF SECOND JUDICIAL DISTRICT COURT,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 98-CV-633

Before KING, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:*

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* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Mary Ann Lovell appeals the district court's dismissal of her complaint for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6). She argues that the judges of the Second Judicial District are guilty of fraud, deceit, and participation in "White Collar Crimes" in connection with their handling of the succession of Mrs. Meaker Glover White. She also argues that the tax assessor "tainted" many of the estate records and "played out" the allegedly false succession proceeding. She makes no appellate argument concerning the remaining defendants; therefore, her claims against such defendants are deemed abandoned. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993).

This court reviews *de novo* a district court's dismissal for failure to state a claim under Rule 12(b)(6). *Blackburn v. City of Marshall*, 42 F.3d 925, 931 (5th Cir. 1995). Lovell's factual allegations are accepted as true, and the dismissal will not be affirmed unless it appears beyond doubt that Lovell can prove no set of facts in support of her claim which would entitle her to relief. *See id.*

A review of the record and Lovell's brief reveals that the district court properly dismissed Lovell's complaint for failure to state a claim. *See Blackburn*, 42 F.3d at 931. The appeal is frivolous and is thus DISMISSED. *See* 5TH CIR. R. 42.2. Lovell is WARNED that future frivolous filings will be met with sanctions. To avoid sanctions, Lovell should review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTION WARNING ISSUED.

APPENDIX B

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

CHARLES R. FULBRUGE III **TEL. 504-589-6514**
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NEW ORLEANS, LA 70130

September 20, 1999

Mr Robert H Shemwell, Clerk
Western District of Louisiana, Shreveport
United States District Court
300 Fannin Street
Suite 1167
Shreveport, LA 71101

No. 98-31375 Lovell v. 2nd Jud Dist Court, et al
USDC No. 98-CV-633

Enclosed, for the district court only, is a certified copy of the judgment issued as the mandate.

Enclosed, for the district court only, is a copy of the court's opinion.

Record/original papers/exhibits are returned:

(1) Volume

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Sincerely,

CHARLES R. FULBRUGE III, Clerk

By: /s/ Shari Stewman
Sheri D. Stewman,
Deputy Clerk

cc: (letter only)
Honorable Donald E Walter
Ms Mary Ann Lovell

MDT-1